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C O N F I D E N T I A L SECTION 01 OF 02 YEREVAN 000773

SIPDIS

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SUBJECT: ABRUPT SHAKE-UP AT ARMENIA'S CASSATION COURT

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Classified By: DCM Joseph Pennington, for reasons 1.4 (b/d).

SUMMARY

¶1. (SBU) The Head of Armenia's Cassation Court Hovhannes Manukian abruptly resigned September 16 and was subsequently replaced September 17 by one of his deputies, Arman Mkrtumian, who chaired the Cassation Court's Civil and Administrative Chamber. Local media have speculated as to the reasons for the unexpected upheaval, alleging that President Sargsian wanted someone personally loyal to him in the key position. On September 19 Manukian refuted this speculation in an interview with one of Armenia's online news agencies. A senior presidential staffer told CDA September 17 that Manukian had been forced to resign due to his tolerance for corruption. END SUMMARY.

REVOLVING DOORS AT CASSATION COURT

¶2. (SBU) The highest legal instance in Armenia, the Cassation Court considers appeals against verdicts by the country's courts of first instance, the review courts (appellate courts), and administrative courts. On September 16, Hovhannes Manukian abruptly tendered his resignation as Cassation Court Chairman, which President Sargsian immediately accepted. Manukian, who was appointed to his position by ex-President Robert Kocharian in June 2005, provided no immediate explanation as to the reason for his decision to step down, avoiding any public comments right before or after his resignation. On September 17, President Sargsian swiftly moved to replace Manukian, signing a decree and appointing Arman Mkrtumian, Chairman of the Cassation Court's Civil and Administrative Chamber, to the post. (NOTE: Mkrtumian was one of Manukian's two immediate deputies in this position. The other deputy chairs the Criminal Chamber. These chambers review cases sent to the Cassation Court to determine their eligibility for the court's consideration. END NOTE.)

SHAKE-UP STOKES OPPOSITION RUMOR MILL

¶3. (SBU) According to the Hraparak (Square) opposition daily, Serzh Sargsian viewed Manukian as a Kocharian loyalist, and was waiting for an opportune moment to replace him. The daily also alleged that judicial personnel harbored severe disdain for Manukian and his corrupt, totalitarian ways. Moreover, Manukian is said to have enjoyed poor relations with Armenia's Prosecutor-General Aghvan Hovsepian and Justice Minister Gevorg Danielian. Hraparak predicted that a

criminal case will be launched against Manukian, to be followed by a highly publicized prosecution in order to give credibility to Sargsian's public commitment to clean up corruption.

14. (SBU) Another opposition daily, Haykakan Zhamanak (Armenian Times), argued that Manukian was sacked because of his alleged pro-opposition leanings. These apparently surfaced in a June 27 interview with Haykakan Zhamanak where Manukian spoke about the violent March 1 events and is reported to have said that his respect for his countrymen had grown as a result of the clashes. He said he took heart from the fact that people were ready to fight for their beliefs, regardless if they diverged from one another's. The daily went on to speculate that Manukian resigned just before the March 1 criminal cases are to enter the Cassation Court, and that he was not prepared to go along with the questionable original verdicts.

MANUKIAN REFUTES MEDIA SPECULATION

15. (U) In a September 19 interview with the independent online news service Panorama.am, Manukian refuted the motives for his resignation as assigned by the media. Manukian said the March 1 cases did not play a role in his decision, stating the cases "have nothing to do with me," asserting that they had not come under Cassation Court review. Manukian declared that personal reasons were behind his decision -- "I would like to change my sphere of activity" -- and noted that he had stated this in his resignation letter. When Panorama.am also cited insufficient legal reforms under his watch as a possible motive for resigning, Manukian admitted that the reforms "had some gaps and shortcomings,"

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but also had "positive sides" as well.

JUDICIAL COMMUNITY'S REACTION TO SHAKE-UP

16. (C) Our judicial sources say that Mkrtumian is a bona fide legal professional who is highly qualified and experienced. His appointment has already been warmly welcomed by Armenia's Defense Bar (Chamber of Advocates) and Armenian judges at various levels. His predecessor on the other hand was widely thought to be a corrupt loyalist of the ex-President who faithfully carried out his directives. By contrast, Manukian was neither liked nor respected by the legal community, and was known for a boorish, bullying style on the bench as well as for his corruption (hardly unique in the Armenian judiciary).

SARGSIAN'S JULY ADDRESS A PREVIEW OF THE SHAKE-UP?

17. (C) On July 10, President Sargsian gave a congratulatory address on the 10th Anniversary of the Court of Cassation. In his speech at the Court, he emphasized that the greatest discontent in Armenian society is with the judicial system, and people's greatest demand is for justice. He pointed out that he would be watching vigilantly to see whether judicial independence was infringed, and whether Armenian judges and courts acted above the law. Senior presidential staffer Misha Minasian referred to the address in a September 17 conversation with CDA in which he asserted that President Sargsian had forced Manukian to resign because of his tolerance for corruption. "The President gave a warning," Minasian said, "and Manukian obviously didn't get the message." Minasian cited the sacking as more evidence of Sargsian's commitment to reform and determination to restore the credibility of the judiciary.

COMMENT

18. (C) Manukian's resignation constitutes yet another shake-up of top law enforcement and judicial bodies that has occurred since President Sargsian assumed power. As has become the custom, both pro-government and pro-opposition forces rush to issue their spins on what these shake-ups mean. With the former arguing that they are examples of Sargsian's commitment to reforms and the latter contending they are merely appointments of Sargsian loyalists, it often is difficult to get to the facts behind the shake-ups. Our first impression is cautiously positive on the news, even if the main motivation, as we suspect, is to push out a Kocharian appointee from the senior position. In the end, the only true litmus test is how the new appointees act in their new roles. END
COMMENT.

BIO NOTE

19. (SBU) Forty-eight years old, Arman Mkrtumian was born in Yerevan and graduated from Yerevan State University's law department. In 1989-1995 he worked in the Prosecutor-General's Office as Head of the Civil Control Department. From 1996-1998 he was the Deputy Head of the Legal Service at the National Assembly (Armenia's unicameral parliament). He has occupied the post of Chairman of Civil and Administrative Chamber of the Cassation Court since 1998.
END BIO NOTE.
YOVANOVITCH